IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.273 OF2006

Dayal Singh Kundan & Ors. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Bhavesh Parmar Adv. for Petitioners
Mr.I.S.Thakur, A.P.P. for the State
Mr.Paresh Shah with Ms.Pooja Bhatia i/b. M/s.Shah & Sanghavi for Respondent No.7
Mr. Shirish Gupte for Respondent Nos.3 to 6

CORAM: B.H.MARLAPALLE & ROSHAN DALVI, JJ.
DATED: 27TH FEBRUARY, 2006

P.C.

1. Heard learned Counsel for the Petitioners. The first prayer in the Petition is regarding the title of the property i.e. Kochar House and this cannot be done by the Police investigations. The Petitioners may have a civil law remedy in this regard. The relief sought in prayer clause (b) has not been pressed for and the learned Counsel invited our attention to prayer clause (c). He has also read the latest complaint dated 23rd November 2005 submitted by the Petitioner No.1 to the Senior Inspector, Khar Police Station, Mumbai. This complaint also deals with civil disputes.

2. Nevertheless if the Petitioners or any one of them approaches with a complaint to the nearest police station i.e. police station at Khar within a period

of 2 weeks from today making out a case for an offence, we are sure the concerned police station would take appropriate steps as per law. At this stage we have no reason to believe that Respondent No.1 will fail in performance of his duty to investigate a crime.

3. So far as other reliefs are concerned as noted earlier the Petitioners will have to seek a civil law remedy and this petition under Article 226 of the Constitution cannot be entertained.

4. The Petition is therefore, rejected summarily.

(ROSHAN DALVI, J.) (B.H.MARLAPALLE, J.)